

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PEORIA TAZWELL PATHOLOGY GROUP, S.C.;  
CONSULTANTS IN LABORATORY MEDICINE )  
AND PATHOLOGY, LTD.; CONSULTANTS IN )  
CLINICAL PATHOLOGY, LTD.; R. GLENN )  
HESSEL, M.D.; RONALD CHAMPAGNE, M.D., )

No. 11 CV 4317

Judge Darrah  
Magistrate Judge Denlow

Plaintiffs, )

v. )

JACK MESSMORE, ACTING DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF INSURANCE,)  
in His Official Capacity, et al., )

Defendants. )

**DEFENDANTS' RESPONSE TO MOTION TO EXPEDITE BRIEFING AND ORAL  
ARGUMENT**

The defendants, Jack Messmore, Acting Director of the Illinois Department of Insurance, in his Official Capacity ("Messmore"); Illinois Department of Insurance ("IDI"); and the State of Illinois; by and through their attorney, LISA MADIGAN, Illinois Attorney General, respond to the Plaintiffs' Motion to Expedite the Briefing and Oral Argument as follows:

On June 24, 2011, Plaintiffs filed a Complaint for Declaratory Judgment, Injunctive and Other Relief challenging recently enacted state legislature. On Monday, June 27, 2011, Plaintiffs filed their Motion for Expedited Briefing Schedule. Summons was issued on June 28, 2011. The Office of the Illinois Attorney General was only asked to represent the Division of Insurance defendants on June 28, 2011 (one day before this Response to the Motion was due).

As this Court has stated in its Minute entry of June 27, 2011, (Dkt. No. 8), this matter involves an extensive 41-page Constitutional challenge with multiple exhibits. Further, by the

Plaintiffs' own admission, "this case involves important and novel issues of law under both the Illinois and United States Constitution" (Plaintiff's Motion, Dkt. No. 7 at 2), which indicates the need for careful consideration and analysis of the issues.

Because of the important and complex and legal issues at stake, the Defendants propose a briefing schedule more suited to the issues and law that will need careful and thorough examination and review. Therefore, Defendants propose that their Response to the Motion for Preliminary Injunction be filed on or before July 26, 2011, that Plaintiffs' Reply be filed on or before August 10, 2011, and that this Court set the matter for argument at any time after August 17, 2011.

LISA MADIGAN  
ILLINOIS ATTORNEY GENERAL

Respectfully submitted,

By: s/Shirley R. Calloway  
Shirley R. Calloway  
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